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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,241

06/21/2005

Simon James Tratt

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EXAMINER

VAINBERG, SIMON

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,241	Applicant(s) TRATT ET AL.	
	Examiner Simon Vainberg	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/21/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show reference number (705) (see page 7 line 18), reference number (823) (see page 10 lines 6 and 12) and reference number (872) (see page 10 line 12) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1- 3, 7-9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter et al. (WO 99/51545) in view of Russell (US Patent 3533660).

Regarding claim 1, Ritter et al. teaches apparatus for use in a vermiculture plant (see page 1 lines 7-10) , the apparatus including a treatment receptacle (called main body (25), see column 9 line 30) having a treatment chamber (12) (see column 9 line 30) therein and a base (30) (see column 10 line 4) upon which material within the treatment chamber is disposed (see column 10 line 9), the receptacle being arranged so that when in use there is a space below the base (see page 1 lines 24 and 25), a harvester (see page 3 line 29 and claim 10) operable to extract material from the treatment chamber through the base (see page 10 lines 13-16) and a collecting assembly (called collecting zone, see page 10 line 15) including conveyor (310) (see page 14 line 9) which transfer a material to a discharge zone (see page 14 lines 9-11 and Fig. 31). Conveyor is driven by drive mechanism (316) (see Fig. 31).

Ritter et al. does not teach that a flexible belt operatively connected to a rotatable drum so that it can be wound onto or drawn from the rotatable member, said belt being arranged so that it can adopt a collecting position when at least partially unwound from the rotatable member wherein it is positioned below the treatment chamber and harvester so that harvested material can be collected upon it, said belt being operable so that when the belt is wound onto the rotatable member material thereon can be transferred to a discharge zone.

Russell teaches a conveying system for receiving and conveying material comprising flexible conveyer belt (6) (see Fig. 2 and column 2 line 2). Belt operatively connected to a rotatable drum (8) (see column 2 lines 15, 16, and 37) so that it can be wound onto or drawn from rotatable member (see column 2 lines 36-42). Russell further

teaches that belt is being arranged so that so that it can adopt a collecting position to collect and transfer a material from a loading to a discharge positions (see claims 1 and 5 and Fig. 2)

It would have been obvious to modify the teaching of Thomas et al by using a conveying system for transfer material as taught by Russell because it allows using a single continuous belt that simplifies the process of material transfer.

Regarding claim 2, Ritter et al. and Russell teach an apparatus according to claim 1 wherein said rotatable member is a rotatable drum arranged so that the belt can be wound around the drum and retracted from underneath the treatment chamber.

Ritter teaches a conveyor (78) installed beneath the treatment chamber (12) (called main body (see page 10 lines 24, 25 and 30).

Russell teaches a rotatable drum (8) and belt (6) which are being reeled upon drum (8) (see column 2 lines 15, 16 and 37). This conveyor belt is capable to be installed underneath the treatment chamber.

It would have been obvious to modify the teaching of Thomas et al by using a conveying system for transfer material as taught by Russell because it allows using a single continuous belt that simplifies the process of material transfer.

Regarding claim 3, Ritter et al. and Russell teach an apparatus according to claim 1 wherein the discharge zone is disposed adjacent the drum so that as the belt is wound onto the drum material is discharged from the belt.

Russell teaches that drum is arranged closed to discharge zone (2) so that as the belt is wound onto the drum (8) material is discharged from the belt (see Fig. 2)

It would have been obvious to modify the teaching of Thomas et al by arranging discharge drum of conveying system near to discharge position as taught by Russell because it allows transferring material to a required location.

Regarding claim 7, Ritter et al. and Russell teach an apparatus according to claim 1 wherein the harvester includes a main frame (84) operatively mounted for movement relative to the main body of the treatment apparatus in a position below the base thereof, the harvester further including tool (306) carried by the frame for extracting material from the treatment chamber (see the Ritter reference, page 4 lines 3-10).

Regarding claim 8, Ritter et al. and Russell teach an apparatus according to claim 7 wherein the harvester body is suspended from rails disposed adjacent the base of the treatment apparatus or supported on rails spaced from the main body of the treatment apparatus, and includes drive means for causing movement of the main frame along the rails (see the Ritter reference, page 5 lines 20-25).

Regarding claim 9, Ritter et al. and Russell teach an apparatus according to claim 8 except the belt is retractable generally in the same direction of movement of the harvester.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the belt is retractable generally in the same direction of movement of the harvester because it allows transferring a material to required location.

Regarding claim 11, Ritter et al. and Russell teach an apparatus according to claim 1 wherein there is provided a plurality of said treatment receptacles disposed one

above the other in a tiered configuration (see the Ritter et al. reference page 3 lines 16 and 17, page 12 line 27-30, and Fig. 24 and 25).

Regarding claim 12, Ritter et al. and Russell teach an apparatus according to claim 11 wherein each said treatment receptacle has associated therewith one said harvester and one said collecting assembly (see the Ritter et al. reference page 13 lines 6-8).

Regarding claim 13, Ritter et al. and Russell teach an apparatus according to claim 11 wherein said harvester is adapted to be moved into a harvesting position for each treatment receptacle and said flexible belt of said collecting assembly is adapted to be positioned for use with each treatment receptacle (see the Ritter et al. reference page 14 lines 1-11).

Regarding claim 14, Ritter et al. and Russell teach an apparatus according to claim 13 further including a lifting mechanism for transferring said harvester and said flexible belt of said collecting assembly between said treatment receptacles.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a different types of lifting mechanisms well known in the art (including forklift) because these mechanisms are capable to lift harvester and flexible belt between treatment receptacles.

Regarding claim 15, Ritter et al. and Russell teach an apparatus according to claim 13 wherein a single said rotatable member can be used for moving harvester and flexible belt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a rotatable member such as winch drum with cable since it was known in the art that winch drum is capable to move a harvester with a belt.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter et al. (WO 99/51545) and Russell (US Patent 3533660) in view of Hoffman (US Patent 5431289).

Regarding claim 4, Ritter et al. and Russell teach an apparatus according to claim 1 except a collecting assembly further includes a support tray upon which the belt rests when in the collecting position.

Hoffman teaches product caring belt which is supported by a routed tray (see column 3 line 3 and Fig. 4).

It would have been obvious to modify the teachings of Thomas et al. and Russell by installing the tray under the belt as taught by Hoffman because it protects the belt and driving mechanism in case of overloading of the belt.

Regarding claim 5, Ritter et al., Russell and Hoffman teach an apparatus according to claim 4 wherein said support tray includes side walls between which the belt is disposed.

Hoffman teaches support tray (74) which includes side walls (80 and 82) between which the belt (46) is disposed (see column 5 lines 14-20 and Fig. 4).

It would have been obvious to modify the teachings of Thomas et al. and Russell by installing the tray under the belt as taught by Hoffman because it protects the belt

and driving mechanism in case of overloading of the belt and also prevents the losing of a material during transportation.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter et al. (WO 99/51545) and Russell (US Patent 3533660) in view of Lux (US Patent 4310414).

Regarding claim 6, Ritter et al, Russell teach an apparatus according to claim 1 except said belt is porous.

Lux teaches a conveyor with a porous belt (see Abstract and column 1 line 3).

It would have been obvious to modify the teachings of Thomas et al. and Russell by using a porous belt as taught by Lux because it allows separating liquid from slurry.

Allowable Subject Matter

7. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

8. The following is a statement of reasons for the indication of allowable subject matter:

Prior art does not teach an apparatus according to claim 1 comprising the distributor assembly including a distributor conveyor which is adapted to be wound onto or from a rotatable member, the assembly further including a carriage which is adapted to traverse over the top of the treatment chamber, the carriage including an idler roller thereon over which the distributor conveyor passes with its free end being anchored to a fixed structure.

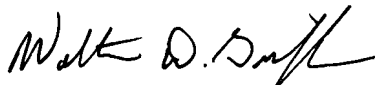
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Vainberg whose telephone number is 571-270-3150. The examiner can normally be reached on Monday- Thursday 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SV


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SUPERVISORY PATENT EXAMINER